

Sgt & SW/USAO2015R00623

FILED
U.S. DISTRICT COURT
DISTRICT OF MARYLAND
2015 OCT 22 PM 5:04

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

UNITED STATES OF AMERICA

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CRIMINAL NO. JFM 145-0557
DEPUTY

v.

DONTA BETTS,

Defendant

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(Obstruction of Law Enforcement
Officers during a Civil Disorder, 18
U.S.C. § 231(a)(3); Making a
Destructive Device, 26 U.S.C. § 5861(f);
Attempted Arson, 18 U.S.C. § 844(i);
Aiding and Abetting, 18 U.S.C. § 2)

INDICTMENT

COUNT ONE

(Obstruction of Law Enforcement Officers during a Civil Disorder)

The Grand Jury for the District of Maryland charges:

General Allegations

1. Defendant Donta Betts was a resident of Baltimore, Maryland.
2. The CVS Pharmacy, located at 2509 Pennsylvania Avenue, Baltimore, Maryland, 21217 (hereinafter "CVS"), was a business and facility operating as a retail store and pharmacy that was part of one of the largest pharmacy chains in the United States. CVS dispensed medications and sold merchandise. CVS was engaged in the movement of articles and commodities in commerce between Maryland and places outside of Maryland, and other activities affecting interstate commerce.
3. The Baltimore Police Department ("BPD") is a municipal police agency that provides law enforcement services to Baltimore City. Activities of BPD, such as patrolling traffic on interstate and other roads, checking whether stopped persons or vehicles were wanted by federal or out-of-state authorities, and investigating or arresting individuals who lived or

conducted business outside of Maryland, commonly affect and affected interstate commerce. BPD owned police cruisers that police officers regularly used in such activities affecting interstate commerce.

4. On April 27, 2015, rioting erupted in Baltimore, Maryland. The rioting involved acts of violence by assemblages of three or more persons and caused an immediate danger of, and resulted in, damages and injuries to the property of other individuals and to the person of other individuals. The rioting occurred, among other places, in the vicinity of the intersection of Pennsylvania Avenue and West North Avenue, including the area outside the front entrance of CVS and along the 1500 and 1600 blocks of West North Avenue. Other rioting activities included, but are not limited to the looting and destruction of CVS, the destruction and attempted destruction of BPD and Maryland Transit Administration vehicles, and the ignition and explosion of a number of improvised incendiary devices and attempts to do so.

5. At approximately 4:47 p.m., a BPD police cruiser marked 12-9057 (hereinafter “Vehicle 12-9057”) was parked on the 1600 block of West North Avenue. At this time, Betts and other persons rioting in the area rocked and attempted to flip Vehicle 12-9057. At approximately 4:49 p.m., Betts attempted to destroy Vehicle 12-9057 by fire and explosion by removing its gas cap, placing a piece of flammable material into its fuel filler pipe, and igniting the material.

6. Between approximately 5:27 p.m. and 5:34 p.m., Betts participated in the looting of CVS by entering the store through its main front entrance and removing certain merchandise from the store.

7. By approximately 5:30 p.m., a line of BPD police officers had formed across the 2500 block Pennsylvania Avenue, facing the intersection with West North Avenue and the main front entrance of CVS.

8. By approximately 5:44 p.m., participants in the riot had placed an assemblage of metal propane cylinders and bag of charcoal briquettes on the 2500 block of Pennsylvania Avenue near the main front entrance of CVS. The assemblage of propane cylinders and charcoal briquettes was placed between West North Avenue and the line of police officers that had formed across Pennsylvania Avenue.

9. At approximately 5:46 p.m, anticipating the advance of the line of police officers to quell the looting of CVS, Betts sought to deter and obstruct the police officers through the production and use of an incendiary and explosive device. Betts ignited a roll of toilet paper, placed the burning object onto the assemblage of propane cylinders and charcoal briquettes, squirted lighter fluid onto the assemblage of incendiary materials, and thereby caused a substantial flame to burn on and among those materials.

10. At approximately 5:58 p.m., a large flame exploded from the incendiary device. The explosion resulted in flying debris from the propane cylinders, including large metal fragments, and blast effects felt by bystanders.

The Charge

11. On or about April 27, 2015, in the District of Maryland, the defendant,

DONTA BETTS,

committed and attempt to commit acts to obstruct, impede, and interfere with any law enforcement officer lawfully engaged in the lawful performance of his official duties incident to and during the commission of a civil disorder which in any way and degree obstructed, delayed, and adversely affected commerce and the movement of any article and commodity in commerce and the conduct and performance of any federally protected function.

18 U.S.C. § 231(a)(3)

18 U.S.C. § 2

COUNT TWO
(Making a Destructive Device)

The Grand Jury for the District of Maryland further charges:

1. The allegations of Paragraphs 1 through 10 of Count One are incorporated here.
2. On or about April 27, 2015, in the District of Maryland, the defendant,

DONTA BETTS,

knowingly made a firearm, to wit, an incendiary device which is a destructive device, as defined pursuant to 26 U.S.C. § 5845(a)(8), (f)(1)(A) and which was not registered to him in the National Firearms Registration and Transfer Record.

26 U.S.C. § 5861(f)
18 U.S.C. § 2

COUNT THREE
(Attempted Arson)

The Grand Jury for the District of Maryland further charges:

1. The allegations of Paragraphs 1 through 10 of Count One are incorporated here
2. On or about April 27, 2015, in the District of Maryland, the defendant,

DONTA BETTS,

maliciously attempted to damage and destroy, by means of fire and an explosive, a vehicle and other personal property used in interstate and foreign commerce and in any activity affecting interstate or foreign commerce.

18 U.S.C. § 844(i)

Rod J. Rosenstein / msh
Rod J. Rosenstein
United States Attorney

A TRUE BILL:

SIGNATURE REDACTED | *10/22/15*
FOREPERSON | Date